

(ISC)²
March 2015 Seminar
Privacy Vs State Security

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This is a Facilitated Discussion

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Agenda

- **Key Definitions:**
 - **Confidentiality & Privacy**
 - **Bill of Rights**
 - **Basic Human Relational Expectation**
- **State Security Dilemma**
 - **National Interest**
 - **Sovereign Integrity**
 - **Citizenry Protection**
- **Balancing Both Extremes**
 - **Lawful Interception**
 - **Privacy Act**

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Key Definitions (Background Data)

- **Confidentiality**
 - Limit Access only to Authorised Entities based on Defined and Agreed Criteria
- **Privacy**
 - Limit Access only to Interacting Parties and No More
- **Bill of Rights**
 - Part 2 Par 8 – Right not to be deprived of life
 - Part 2 Par 13 – Freedom of thought, conscience and religion
 - Part 2 Par 14 – Freedom of expression
 - Part 2 Par 17 – Freedom of Association
 - Part 2 Par 19 – Freedom of Discrimination
 - Part 2 Par 20 – Rights of Minority
 - Par 21 – Right to secure against unreasonable search or seizure

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Humans, who and what are we?

If there are anythings the species called Humans know how to do, it would be to:

- **Socialise**
- **Exert Power & Exert Control**
 - If unavoidable, cause harm if necessary to achieve objective
- **We also expect**
 - Peace
 - Private, personal living and interaction with each other
- **We get charged if we suspect or discover those expectations are breached**

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Concept of Common Good

- Common (or collective) safety
- Common (or collective) health
- Common (or collective) wellbeing

**Must the Common Good be sacrificed for
Personal Good?**

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Purpose of Sovereign Governance

- For a Democratic Society as ours, I have adopted the Liberal and conservative theories that **the state is a neutral entity separated from society and the economy.** <https://www.boundless.com/sociology/textbooks/boundless-sociology-textbook/government-15/government-and-the-state-113/functions-of-the-state-626-1163> as at 2015-03-23 8pm NZST
 - **Functions of the State**
The Constituent Function of Government includes the **PROTECTION** of life, liberty and property paragraph 1475 <http://history-world.org/govfunc.htm>. Wilson, Woodrow: The State – The Function
- Note: These are different from the Ministrant functions
- The Government is therefore concerned with the security of its constituents

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State Security Dilemma

- 21st Century Security Risks
- Need to obtain, correlate and manage security intelligence

Not different from the need to implement a proper SEIM

- But how does the Government balance these needs with the:
 - Bill of Rights 1968, 1990 as amended (2011)
 - Privacy Act 1993 as amended (2013)
 - Lawful Interception – Telecommunications (Interception Capability Security) Act 2013

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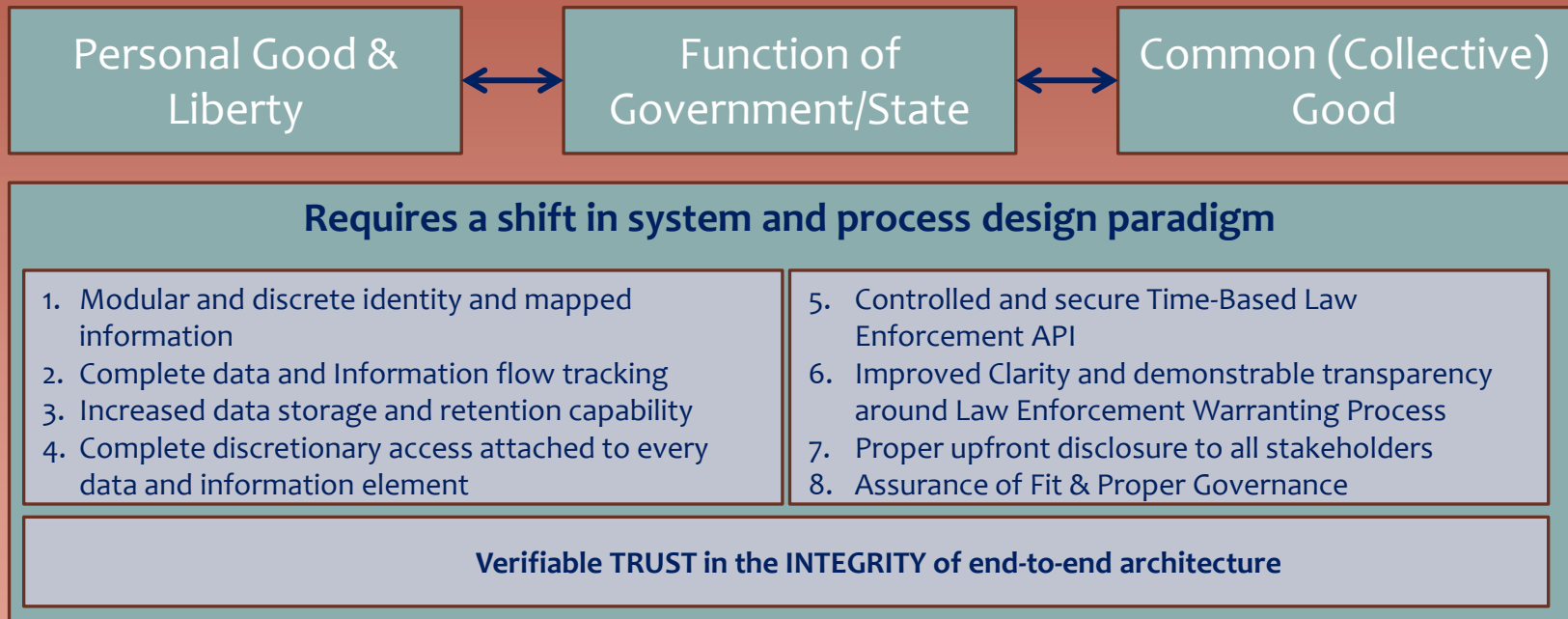
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Balancing Both Extremes

- Lawful Interception
- Privacy Act
- Bill of Rights and the Human Right



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Privacy and State Security

- are both possible if:
 - the architectural design paradigm changes to match the needs of our times
 - the design embeds the principle of verifiable open trust
 - proper disclosure to all stakeholders. What gets the human species worked up is not knowing

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